

AGENDA

MEETING: Maine Library of Geographic Information Board
DATE: Wednesday, July 16, 2003
TIME: 10:30 a.m. – 12:30 p.m.
LOCATION: Burton M. Cross Building, Conference Room 107

| TIME MINUTES | TOPICS FOR DISCUSSION | LEADER |
|--------------|--|---|
| 5 | 1. Approval of June 18, 2003 Board Minutes | John Holden, Chair |
| 20 | 2. Request from GPCOG | John Holden |
| 30 | 3. ESRI license rates available to state agencies | Bob Marvinney |
| 10 | 4. Status Update on the Subcommittee for Municipal Grants | MaryAnn Hayes Paul Mateosian John Giles |
| 20 | 5. Comments on the draft for the State of Maine Standards for Digital Parcel Files | Larry Harwood |
| 10 | 6. Citipix Images Status Update | Larry Harwood |
| 10 | 7. New Technical Subcommittee | Larry Harwood Will Mitchell |
| 10 | 8. Establish a comprehensive stakeholder's mailing list. | John Holden Ed Suslovick |
| | Other Business | |
| | ♦ Development Tracking Project | |
| | ♦ Future ESRI or other technical presentations | |

NOTE: The Grant Committee will be meeting at 1:00 p.m. after the GeoLibrary Board meeting In Conf Room 107 of the Burton M. Cross Building. All are welcome to attend.

**GeoLibrary Board Meeting of July 16, 2003
Burton M. Cross Building, Conference Room 107
10:30 a.m. – 12:30 p.m.**

BOARD MINUTES

Board Member Attendees as follows:

1. Robert Faunce, Statewide Association of Counties
2. Jon Giles, City of Portland
3. Marilyn Lutz, UMaine
4. Jim Page, James W. Sewall
5. Barbara Charry, Maine Audubon Society
6. Will Mitchell, Mitchell Geographics
7. Tom Asbeck, Photo Science, Inc
8. Paul Mateosian, Municipal Government
9. Dick Thompson, CIO

Not in Attendance:

John Holden, Chair to the Board
Ed Suslovic, State Representative & Board Co-Chair
Dan Walters, DAFS/BIS – Staff to the Board
Bob Doiron, Maine Revenue Services
Dennis Boston, Central Maine Power
Ray Halperin, Dept. of Transportation

Non-Board Member attendees:

Larry Harwood, DAFS/BIS – Staff to the Board
Tom Howker, Bureau of Information Services
Jim Skillings, DeLorme Publishing
Geoff Ives, DeLorme Publishing
Angie Lyon, Representing CMP for Dennis Boston
Bob Marvinney, Dept. of Conservation/Chair to the GIS Executive Council
Don Garrold, Town of Searsport
Nate Gray, Island Institute

The Board Chair and Co-Chair were not present at this meeting. Therefore, the Board members voted to elect Jim Page as Temporary Chair to run this meeting.

With a unanimous vote from the Board, Jim Page, as Temp Chair, proceeded to open the meeting. It was noted that the Chair, John Holden, would be able to participate during a portion of the meeting via telephone.

Item #1 – Approval of the June 18, 2003 Board Minutes – Jim Page, Temp Chair

With no comments, changes, amendments, etc. a motion was made, and seconded, to approve the minutes as written. **With a show of hands, the Board unanimously approved the minutes.** Jim asked that folks go around the table and introduce themselves, so done. Waiting for a call in from John Holden, Item #2 was put on hold. The meeting proceeded to agenda Item #3.

Item #3 – ESRI License Rates Available to State Agencies – Bob Marvinney

Bob Marvinney talked about the state's position as it relates to ESRI licensing. He commented there are state agencies that have substantial GIS applications, and the state pays a substantial maintenance fee and has a large investment in GIS software.

Bob shared with the Board members that the GIS Executive Council was starting negotiations with ESRI. Initial discussions will include where the state is going with GIS, getting a break/reduction on fees/costs, and getting the software installed on the desktops of users. Besides negotiating cost reduction, Bob noted it was important to keep the cost manageable, making sure the software is available, and bringing everyone up to the same level of expertise. Having the updated versions would simplify the process. Also, he thought there would be some administrative gains in re-negotiating. Bob believes the state could save money by volume purchasing also known as enterprising licensing.

The GIS Executive Council (EC) would be reviewing all options available and looking more at enterprise licensing as it relates to the future of GIS in state government. The EC will be looking at where we are now, projecting future use, and preparing a layout agreement over a course of five (5) years. Part of this process will include defining who the participating entities are (state, local, regional, and municipal). Carefully scoping out what the usage may be and working with those numbers the EC hopes to put in place a substantial agreement to benefit all interested entities.

Paul Mateosian, representing municipal government, commented that the municipal entities would like to be part of the contract. Also, he felt the Board, being in its infancy, may not be able to project, this year, the scope of usage.

Bob commented that the GIS EC would continue to have open discussions with the Board on how the negotiating process is moving forward and that the scoping of usage did not need to be done immediately.

A question was raised as to any alternatives to using ESRI. The response was yes, there are a lot of products out there. However, the state has a very large investment in ESRI products and probably would not change that in the near future. The state does have a large commitment to ESRI.

John Giles, representing the City of Portland, commented that he would like to see the master purchasing agreement and that he believes the city of Portland would be interested in getting involved.

John Holden asked what the timing for the negotiating process was. (John had called in earlier and the Board agreed to continue and finalize this discussion before going back to Item #2 of the Agenda "Request from GPCOG").

Bob commented they would be working on this through the fall and that it seems like there could be some participation at the local level. He also stated they could slow down the process and that the GIS EC would work with the Board and do it at a pace everyone is comfortable with.

Another way to approach it would be to let the GIS Users Group know, get the word out this discussion would be taking place. Need to inform the user community we are looking at these types of options (enterprise licensing with ESRI).

Will Mitchell asked which products were being discussed; was it the full spectrum of products? Bob responded yes it covers the full spectrum of products. Will also asked if there would be opportunity to create similar agreements for other product lines and Bob Marvinney responded it would be appropriate if there is interest and demand. There are other products being used in state government but not as high volume as ESRI products.

Paul Mateosian commented on the projects being done for the GeoLibrary Board could involve applications we develop or contract out to be developed. He was not sure what ESRI's roll would be, project could be ESRI based or may not be. We will need a certain level of tools which may or may not be ESRI.

Bob Marvinney commented that certain entities are already interested in ESRI applications and this is the first time we are going to do this but not the last. We will review in a couple of years and address changes as needed.

Jim Page stated that that Board would support the process to move forward but not provide the products. Bob Marvinney stated the GIS EC is not asking for any action from the GeoLibrary Board. The EC has some time to develop a process here and not ready to scope out what the need would be. We need to get the word out to municipal and local governments on what is available but the Board needs to stay away from being a reseller.

Dick Thompson commented that cooperative procurements are done and the State's Division of Purchases holds and owns the contracts. Participation from outside of state government is totally voluntary. Local, municipal governments can purchase under state contracts. Dick will provide the Board members, at the August meeting, with the URL available with this information.

In closing this discussion, Jim Page state the Board was very interested in remaining in close contact with the GIS EC to keep informed on the ongoing process.

John Holden, now available via the telephone, the Board returned to agenda **Item #2 Request from GPCOG**. Before opening the discussion, Jim Page referred to the letter from Neal Allen to Commissioner Rebecca M. Wyke requesting payment of \$52,973.00 representing expenses incurred by the Greater Portland Council of Governments in the development and administration of their aerial flight program (**see Attachment 1**). This amount is the amount that GPCOG expected to recover overtime from the sale of the GIS Aerial Imagery purchased by the GeoLibrary Board from Global Explorer (Citipix).

Jim Page asked the Board to work to resolve this issue today. John Holden seconded the intent to resolve this item. With this, John proceeded to share his thoughts/beliefs with the Board regarding the CPGOG request. John stated that he went back to try and remember all the discussions that were held and that the Board needed to resolve this issue. In the end, John felt that the Board had crossed a line that prohibits a private agency from recouping some costs they had originally intended to recoup. John's belief was that the Board needed to support the request and invoice (**see Attachment 2**).

Paul Mateosian asked if there was any way the Board could back out of the agreement with Global Explorer, return the data, and get a refund.

At this time, Larry Harwood shared the fact that the imagery had been loaded on the MeGIS system and being used. Dick Thompson commented that the seal had been cracked and he felt it was too late.

A suggestion was raised to set up a subcommittee to negotiate with GPCOG and a question asked if there was room for negotiation. John Holden commented that GPCOG does want to support the efforts of the Board on data sharing and is interested in supporting this endeavor of the Board.

The Board continued extensive discussions regarding the CPGOC request for payment of lost revenue. Items for discussion included the Board's responsibility legally for reimbursing this money, the importance of a relationship between the Board and GPCOG, the possibility of negotiating a compromise on the amount of payment being requested from GPCOG, was there a basis for a compromise, authorizing a subcommittee to reach a compromise bring back to the Board for approval (what if the Board says no), how does the Board address the issue in good faith.

Tom Howker, at this time, brought before the Board the statue establishing the GeoLibrary Board and the need for eight (8) members present for a quorum and seven (7) affirmative votes on any action taken by the Board.

A motion was made to authorize a subcommittee of three members to negotiate a compromise on the payment requested from GPCOG and seconded, Dick Thompson also mentioned that the three members be appointed by the Chair.

Jim Page asked the Board if they were in agreement that GPCOG had made their case or not made their case. Some Board members felt the case had been made and others felt it had not.

It was noted that GPCOG had been asked to furnish the Board with a report detailing the costs incurred and a copy of their contract noted that this request had not been met.

NOTE: Excerpt from the May 21 Board meeting minutes: Board members agreed to allow a rep from GPCOG to come to the June meeting, re-submit their request. However, the Board members want GPCOG to bring with them 1) a copy of their original contract with Global Explorer, 2) what is, if any, the interference with their ongoing contract, 3) how much and why the Board having this data will cost them in the future. It was agreed the Board needs to know the facts of who owns want.

Further discussions to resolve this issue included the need to avoid setting a precedent in the future for similar problems/claims, voting in opposition to the request and allowing GPCOG, if they have a legitimate claim, use the process in place to push it through and see what happens. It was agreed that growth of GIS in the state if good for the state and the private sector, however needs to be managed very carefully.

A question was raised regarding Commissioner Wyke's response to the Neal Allen letter. Dick Thompson responded that the Commissioner does not have the authority to override the Board's actions. At this time a motion was made, and seconded, to have the Chair appoint a three-member (3) subcommittee to negotiate a compromise with GPCOG.

With a show of hands, the Board voted five (5) in favor and four (4) opposed. Needing seven (7) affirmative votes, the motion failed to pass.

Dick Thompson offered another option, to have the Chair and another person or two communicate with GPCOG to get the data previously requested from GPCOG for the Board's review.

The Board was asked not to include this issue on future agendas as the Board has had several thorough discussions. A suggestion was brought before the Board to possibly write up a resolution to avoid future happenings of this type. While agreed by all that the Board needs to move forward with its business/assignments, the Board determined it could not dismiss this issue.

Again, the Board was reminded that Commissioner Wyke does have to respond to the Neal Allen letter and that GPCOG has presented their claim to the Board without data as previously requested by the Board. A suggestion was made to notify GPCOG and ask them for this data, consequently denying the claim and going into a more formal hearing process. It was noted that GPCOG was given the opportunity to present their claim to the Board twice.

At this time a suggestion was made to have the Chair send a letter to GPCOG communicating the vote of the Board from this meeting. A motion followed, and was seconded, to have the Chair send letter describing the action by the Board. Dick Thompson agreed to brief Commissioner Wyke on this action.

Suggested wording for the letter to CPGOG: The Board, in reviewing your letter to the Commissioner, entertained a motion to set up a subcommittee to negotiate a compromise on the amount of money GPCOG has requested for payment. The Board (by law) is required to have seven (7) affirmative votes to pass any action by the Board. The Board failed to acquire these seven votes, therefore, the motion failed.

With a show of hands, the Board voted unanimously in favor of communicating the Board's actions during this meeting to GPCOG.

Item #4 Status Update on the Subcommittee for Municipal Grants – John Giles

John Giles reported the subcommittee, at its first meeting, broke into groups to research five areas of interest: Eligible Applicants and Activities, Priorities and Objectives, Level of and Formula for Grants, Match Requirements and Efficiency Incentives. At the second meeting, June 18th, these mini-committees reported out their findings in some detail.

Various items and issues were discussed at June 18th meeting, continue to be, and will be discussed further today at the 1:00 p.m. meeting being held in this room 107. John plans on bringing a report of more value to the Board at the next (August) meeting.

Item #5 Comments on the draft for the State of Maine Standards for Digital Parcel Files – Larry Harwood

Larry reported, up to this point and time, he had received only a couple of comments. A report will be written up, brought before the Board for review/approval, and provided to the public for commentary.

Dick Thompson explained to the Board the need to go through the APA process and being able to use the shortest process which will allow implementation without legislative approval.

Some of the folks that need to be informed are surveyors, assessors, engineers, and state planners. Will need to devise an agenda/plan to note who have been contacted. Dick Thompson offer to work with Larry to set up a time line, submit to the Secretary of State's office, and bring to the Board for the August 20th meeting.

Also noted, was the need to make sure these parcel standards are written in a language that will be understood by all involved/impacted.

A question was raised regarding the need to contact all licensed professionals, Dick responded rather than contacting everyone individually, the Board can publicly advertise the information. If certain folks do ask to be notified than we would provide this service.

Item #6 Citipix Images Status Update

Larry noted to the Board that the name has been changed from Citipix Images to ORTHO_ HF images. All imagery has been loaded onto the BIS Oracle server and a few last indexing operations are being preformed. The images are currently running on the IMS site and Larry will supply the URL for viewing.

Larry also commented that Mike Smith, from the Dept. of Environmental Protection, has offered to take the images cut them into four pieces and compress them. This will make the imagery serviceable over the Internet. The goal is to have the imagery downloadable within 2-3 weeks. Using the compressed format will allow for writing to CDs or DVDs. Having the imagery compressed will make it much more useful/usable.

At the August 20th meeting, an update of the USGS project will be presented to the Board.

Item #7 New Technical Subcommittee – Larry Harwood, Will Mitchell

Larry mentioned the need to create another subcommittee composed of folks who operate GIS platforms, with that, he asked Will to elaborate more for the Board. Will talked about data warehousing, storage, and infrastructure needed for data in the library. He mentioned the need to get information on development, plans on infrastructure, how to serve the data, offering internet access to the geolibrary, how to serve up the imagery for download or direct access, and interoperability.

At this time, Will made a motion, which was seconded, to set up a technical committee to oversee the data warehousing, infrastructure, internet mapping, and data distribution from the geolibrary to the users.

The Board voted unanimously to have a technical committee created. The Board also asked that the subcommittee, at their first meeting, outline a report of the technical activities, organizational structure (how many members and who), and job description (scope of work) for this subcommittee and report back to the Board.

Volunteering and/or selected members for the subcommittee at this time are: Dennis Boston, Marilyn Lutz, Will Mitchell (Acting Chair) and Larry Harwood (Staff). Membership will be finalized and brought back to the Board at the August meeting.

NOTE: Name of the subcommittee has been slightly altered since this meeting. Per the request of Will Mitchell the name is 'Technical Subcommittee on Infrastructure, Interoperability, and Interface'.

Item #8 Establish a Comprehensive Stakeholders' Mailing List – John Holden & Ed Suslovic

This agenda item was tabled to the next meeting.

Other Business

- ◆ Development Tracking Project – Tabled to the next meeting
- ◆ Future ESRI or other Technical Presentations – Will be set up as brown bag meetings following the GeoLibrary meetings. It was asked that the Board set a time limit on these meetings.

A question was raised regarding the status of the letter for USGS. Was a draft written and circulated? The Board was not aware this had been accomplished. Chair, John Holden needs to draft a letter, circulate to the Board for review/comment, finalize and send to USGS.

At 12:40 p.m. a motion was made and seconded to adjourn the meeting, so done.

ATTACHMENT 1

June 30, 2003

Rebecca M. Wyke, Commissioner
Department of Administrative & Financial Services
Burton M. Cross Building, 3rd Floor
78 State House Station
Augusta, Maine 04333-0078

RE: GPCOG Invoice #837

Dear Commissioner Wyke:

The enclosed invoice, #837, in the amount of \$52,973.00 represents expenses incurred by the Greater Portland Council of Governments in the development and administration of our aerial flight program. This is the amount that GPCOG expected to recover over time from the sale of the GIS Aerial Imagery as a commercial venture.

The recent initiative of the State of Maine in establishing the Maine Library of Geographic Information Board has, to date, effectively deprived GPCOG of fully recovering these funds.

I have also attached for your information a copy of my letter of May 15, 2003 to John Holden, Chairperson of the Maine Library of Geographic Information Board. That letter provides a summary of the events leading to the submittal of invoice #837.

While we remain hopeful that the Maine Library of Geographic Information Board may ultimately approve the recommendations of their own staff with respect to this matter, they have failed to do so after a number of meetings. Consequently, we find the Board to be acting in a manner that is contrary to L.D. 2116, "An Act to Establish the Maine Library of Geographic Information." Under the *Purposes & Duties* section of L.D. 2116, letter J., states: "The Library may not compete directly with private enterprise. The library shall work in partnership with nonstate data custodians to promote the purposes of this Act."

The deliberate decision of the Library Board to compete directly with GPCOG's private enterprise relationship and do so without compensating GPCOG and with no commitment to form a "working partnership," deprives us of our rights under the statute. Furthermore, it deprives us of any realistic opportunity to recover the investment we have made in developing our advanced, aerial photographic service.

The direction being taken by the Library Board leads us to conclude that the municipalities and others who invested in the GPCOG aerial flight have subsidized the cost of data that will soon be available at no cost to all other municipalities and other parties throughout the state of Maine thereby raising serious issues of fairness and good faith.

Rebecca M. Wyke, Commissioner
June 30, 2003
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We find the actions to date of the Library Board puzzling, given that the Library Board's budget identifies an overall estimated savings of \$225,000 were they to accept a proposal that GPCOG facilitated on behalf of the State with our aerial imagery provider, GlobeXplorer. The GPCOG/GlobeXplorer proposal was recommended by the staff of the Maine OGIS and included the payment of \$52,973 to GPCOG and the purchase of certain imagery data from GlobeXplorer. The Library Board has unilaterally accepted only the GlobeXplorer portion of that proposal thereby depriving GPCOG of our ability to fully recover our investment. We consider the GPCOG/GlobeXplorer proposal to be fair and reasonable and believe it establishes a strong foundation for GPCOG and the Maine OGIS to work together in meeting the complex challenges of L.D. 2116.

And finally, we note that at a time in which Maine's Governor is actively encouraging and promoting the benefits of regionalism, the actions of the Library Board run counter to the spirit of cooperation and collaboration that the Governor espouses. In fact, we now are being penalized for our regional initiative and significant financial investment; actions which we maintain violate both the letter and spirit of L.D. 2116.

We hope that this matter will be resolved expeditiously and in a manner that recognizes the preeminent role and financial investment that GPCOG and numerous municipalities and other parties have played in developing and implementing an important service for our region and the state.

Sincerely,

Neal W. Allen
Executive Director

Enclosures

cc. Governor John E. Baldacci
David Cole, Commissioner of the Maine Department of Transportation
Dan Walters, Maine Office of Geographic Information Services
Larry Harwood, Maine Office of Geographic Information Services
Chairman & Members, Maine Library Board of Geographic Information

ATTACHMENT 2

July 14, 2003

To: Board, Maine Library of Geographic Information

From: John Holden, Board Member, representative of Regional Councils

I am writing to review and document our discussion of the "GPCOG matter" to date and to put my position "on the table." I intend to phone into our July 16 Board meeting but will not be able to Chair and am unsure of my ability to place a vote over the phone.

As background, I believe good discussion and indeed dialogue over confusing and complex issues is a good and healthy for a public Board such as ours. However, at some point all Boards and Board officers must make the best decision possible on behalf of the mission of the Board and the constituents they represent on that Board.

As Co-Chair (and Chair for most of these meetings) I feel it is time to move forward. We have discussed this matter, by my review, since February. So as Chair, first and foremost I want to call for a vote on this matter today (July 16).

Before doing so allow me to state my position. In reviewing the minutes and my recollection of the discussion, we first were presented with the "citipix proposal" at our February 19 Board meeting. According to our minutes from that meeting Chris Sommers from GPCOG presented (with all due respect), some confusing information. The minutes include statements like:

"GPCOG has the entire set of data (stereo pairs) and would make available to the State of Maine at no cost." The minutes continue and we begin to understand about what are called "administrative" costs and that there may be a cost to transfer to State and that that cost "could be less than \$2,000 or more but we [GPCOG] didn't want the board to have any surprise fees." In the end, the minutes show that the Library's purchase would be directly from Globe Explorer, but "GPCOG would like to recoup their admin and management fees."

The matter was discussed again in March and April and in May Neal Allen, Executive Director for GPCOG provided a letter further clarifying GPCOG position (dated May 15). GPCOG believed (still believe) that the costs to acquire this imagery "should be legitimately folded into the overall purchase of the data." The argument is simply, if not for their purchase the Library would not have been able to purchase this data (data that is of higher resolution, albeit somewhat dated, than we are getting in our imagery project). Neal further explains GPCOG's purchase and a private-public investment and that "GPCOG [and the communities] investment... would be met through... rights to market the product(s)." In summary, GPCOG (and other community) investment and dollars in question are described as a "sunk cost" but GPCOG believe it had rights to attempt to recover those costs.

Personally, I have considered this issue from both sides. On one side, I believed that the Library's purchase of the data separate of GPCOG's costs were not only legal (as indeed they were) but were also fair and responsible actions for the Board acting in the best interest of the State. On the other hand and, let me emphasize as the appointed representative of the Regional Councils (of which GPCOG is one), I feel obligated to vote with GPCOG on this matter. More so, however, given the later explanations of the issue (which frankly were not clear to me at the outset) I feel that the Library's purchase should indeed have included GPCOG's costs. In the end, we have taken away their (and the community's they represent) ability to recoup their investment (public or private). Considering it another way, a collection of local taxpayers in Southern Maine invested in this data with understanding that they would recoup their costs. Now, taxpayers in other communities have access to that data that was purchased not by the State's collective funds but by other municipalities' funds.

That is my statement. I am asking for a motion on the floor to conclude this matter.

As noted at the outset, I will be present at the meeting via telephone and am unsure of my legal standing to make a vote on this matter without being physically present. I am writing to place my position in favor of the awarding of GPCOG fees.